

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

STEPHEN J. BALISE, M.D.,

Plaintiff,

v.

Civil Action No. 1:24-cv-2

BRITTANY JACKSON,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 139]
AND DENYING MOTION TO STAY WITH LEAVE TO REFILE [ECF NO. 117]

On April 8, 2025, pursuant to 28 U.S.C. § 636 and the local rules, the Court referred *Defendant Brittany Jackson's Motion to Stay Trial* [ECF No. 117] to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") for a report and recommendation as to the appropriate disposition of the motion. On April 25, 2025, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court deny Defendant's Motion to Stay Trial, with leave to refile at the close of discovery. ECF No. 139.

The R&R informed the parties that they had fourteen (14) days from the date of service of the R&R to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to timely file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by

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the Circuit Court of Appeals.” To date, no objections have been filed.

When reviewing a magistrate judge’s R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, “the Court may adopt, without explanation, any of the magistrate judge’s recommendations” to which there are no objections. Dellarciroprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 139]. The *Defendant Brittany Jackson’s Motion to Stay Trial* [ECF No. 117] is **DENIED** with leave to refile at the close of discovery.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

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DATED: May 13, 2025

A handwritten signature in black ink, appearing to read "Tom S. Klee".

THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA